

Decisions as of March 25 @ 5:00 PM

LBB Manager: Aaron Henricksen

		Outstanding Items for Consideration				Tentative Subcommittee Decisions			
Article III, Public Education Total, Article III, Public Education Items Not Included in Bill as Introduced		Items Not Included in HB 1 2022-23 Biennial Total		Pended Items 2022-23 Biennial Total		Adopted 2022-23 Biennial Total		Article XI 2022-23 Biennial Total	
		GR & GR-Dedicated	All Funds	GR & GR-Dedicated	All Funds	GR & GR-Dedicated	All Funds	GR & GR-Dedicated	All Funds
Texas Education Agency (703)									
	Total, Outstanding Items / Tentative Decisions	\$ 33,620,949	\$ 387,555,329	\$ -	\$ -	\$ 2,776,182	\$ 356,710,562	\$ 25,711,500	\$ 25,711,500
	Total, Full-time Equivalents / Tentative Decisions	11.0	11.0	0.0	0.0	6.0	6.0	0.0	0.0
Texas School for the Blind and Visually Impaired (771)									
	Total, Outstanding Items / Tentative Decisions	\$ 5,481,676	\$ 5,481,676	\$ -	\$ -	\$ (929,524)	\$ (929,524)	\$ 2,441,200	\$ 2,441,200
	Total, Full-time Equivalents / Tentative Decisions	6.0	6.0	0.0	0.0	0.0	0.0	0.0	0.0
Texas School for the Deaf (772)									
	Total, Outstanding Items / Tentative Decisions	\$ 138,000	\$ 138,000	\$ -	\$ -	\$ (788,888)	\$ (788,888)	\$ 686,888	\$ 686,888
	Total, Full-time Equivalents / Tentative Decisions	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Special Provisions for the School for the Blind and Visually Impaired and School for the Deaf (S20)									
	Total, Outstanding Items / Tentative Decisions	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	Total, Full-time Equivalents / Tentative Decisions	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Teacher Retirement System (323)									
	Total, Outstanding Items / Tentative Decisions	\$ -	\$ 5,746,000	\$ -	\$ -	\$ -	\$ 5,746,000	\$ -	\$ -
	Total, Full-time Equivalents / Tentative Decisions	10.0	25.0	0.0	0.0	10.0	25.0	0.0	0.0
Optional Retirement Program (32C)									
	Total, Outstanding Items / Tentative Decisions	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	Total, Full-time Equivalents / Tentative Decisions	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

	Outstanding Items for Consideration				Tentative Subcommittee Decisions			
Article III, Public Education Total, Article III, Public Education Items Not Included in Bill as Introduced	Items Not Included in HB 1 <u>2022-23 Biennial Total</u>		Pended Items <u>2022-23 Biennial Total</u>		Adopted <u>2022-23 Biennial Total</u>		Article XI <u>2022-23 Biennial Total</u>	
	GR & GR-Dedicated	All Funds	GR & GR-Dedicated	All Funds	GR & GR-Dedicated	All Funds	GR & GR-Dedicated	All Funds
Total, Outstanding Items / Tentative Decisions	\$ 39,240,625	\$ 398,921,005	\$ -	\$ -	\$ 1,057,770	\$ 360,738,150	\$ 28,839,588	\$ 28,839,588
<u>NO-COST ADJUSTMENTS</u>								
1 None.	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total, NO COST ADJUSTMENTS	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total GR & GR-Ded Adopted Items less Cost-out	\$ 39,240,625	\$ 398,921,005	\$ -	\$ -	\$ 1,057,770	\$ 360,738,150	\$ 28,839,588	\$ 28,839,588
	FY 2022	FY 2023	FY 2022	FY 2023	FY 2022	FY 2023	FY 2022	FY 2023
Total, Full-time Equivalents / Tentative Decisions	27.0	42.0	0.0	0.0	16.0	31.0	0.0	0.0

		Outstanding Items for Consideration				Tentative Subcommittee Decisions			
Article III, Public Education Texas Education Agency (703) Items Not Included in Bill as Introduced		Items Not Included in HB 1 2022-23 Biennial Total		Pended Items 2022-23 Biennial Total		Adopted 2022-23 Biennial Total		Article XI 2022-23 Biennial Total	
		GR & GR-Dedicated	All Funds	GR & GR-Dedicated	All Funds	GR & GR-Dedicated	All Funds	GR & GR-Dedicated	All Funds
Technical Adjustments:									
1.	Performance measure correction. Update FY 2022 target for Percent of Students Exiting Bilingual/ESL Programs Successfully to 84 percent. No cost.	\$ -	\$ -			Adopt			
2.	Rider correction. Update Rider 28, FSP Funding for the Texas Juvenile Justice Department, to remove reference to a prorated basic allotment. HB1 provides the full Basic Allotment for TJJD. No cost.	\$ -	\$ -			Adopt			
3.	Capital budget correction. MOF Swap of \$1,640,020 in Permanent School Funds for General Revenue Funds in capital budget authority only for DCS current obligations. Correction aligns capital budget with strategy appropriations in HB1. No cost.	\$ -	\$ -			Adopt			
4.	Child Nutrition Update. Update Federal Funds appropriation in Strategy B.2.3 to reflect current estimates. Correct General Revenue state match amounts in Rider 36, Child Nutrition Program, to match appropriations in HB 1.	\$ -	\$ 353,934,380			\$ -	\$353,934,380		
5.	Rider correction. Update Rider 3, Foundation School Program Funding, to include appropriation authority for the School Safety Allotment. Correction aligns the appropriation authority with strategy appropriations in SB 1. No cost.	\$ -	\$ -			Adopt			

		Outstanding Items for Consideration				Tentative Subcommittee Decisions			
Article III, Public Education Texas Education Agency (703) Items Not Included in Bill as Introduced		Items Not Included in HB 1 2022-23 Biennial Total		Pended Items 2022-23 Biennial Total		Adopted 2022-23 Biennial Total		Article XI 2022-23 Biennial Total	
		GR & GR-Dedicated	All Funds	GR & GR-Dedicated	All Funds	GR & GR-Dedicated	All Funds	GR & GR-Dedicated	All Funds
Agency Requests:									
1.	Ensuring Equitable Opportunity through Targeted Supports. Request includes \$10,455,000 and 2.0 FTEs for developing effective teachers and \$9,545,000 and 3.0 FTEs for targeted interventions and instructional materials to reduce the achievement gap.	\$ 20,000,000	\$ 20,000,000					\$ 20,000,000	\$ 20,000,000
2.	Windham School District Program Expansion. Request to restore 5.0 percent reduction to 2020-21 appropriations, including reinstatement of 43.5 full-time teaching positions in academic, life skills, and career and technology education and 10.0 positions to support instruction.	\$ 5,711,500	\$ 5,711,500					\$ 5,711,500	\$ 5,711,500
3.	Data Center Services.								
a.	Request for a new data warehouse. Agency states upgrade is necessary for data collection requirements associated with Foundation School Program, Accountability, Special Education, Early Childhood, Teacher Incentive Allotment, and Educator Preparation Program.	\$ 1,833,750	\$ 1,833,750						
b.	Request to fund increased costs for current DCS obligations. HB1 provides increased capital budget authority but no additional funding.	\$ 1,151,699	\$ 1,151,699						
4.	Add a new rider reducing General Revenue by \$138,000 per year and adding 6.0 FTEs to insource certain software maintenance services.	\$ (276,000)	\$ (276,000)			\$ (276,000)	\$ (276,000)		

Article III, Public Education Texas Education Agency (703) Items Not Included in Bill as Introduced		Outstanding Items for Consideration				Tentative Subcommittee Decisions			
		Items Not Included in HB 1		Pended Items		Adopted		Article XI	
		<u>2022-23 Biennial Total</u>		<u>2022-23 Biennial Total</u>		<u>2022-23 Biennial Total</u>		<u>2022-23 Biennial Total</u>	
		GR & GR-Dedicated	All Funds	GR & GR-Dedicated	All Funds	GR & GR-Dedicated	All Funds	GR & GR-Dedicated	All Funds
5.	Modify Rider 24, Appropriation Limited Revenue Collections, to provide UB authority within the biennium for programs listed in the rider, including the Guaranteed Program for School District and Charter School Bonds, Texas Certificate of High School Equivalency, Educator Certification, Criminal History Background Check, Educator Preparation Program Approval and Accountability, and Texas High Performance Schools Consortium Fee. No cost.	\$ -	\$ -			Adopt			
6.	Exempt position. Request for authority only to increase the Permanent School Fund Chief Investment Officer's salary cap from \$384,375 to \$416,401 for the 2022-23 biennium. No cost.	\$ -	\$ -						

		Outstanding Items for Consideration				Tentative Subcommittee Decisions			
Article III, Public Education Texas Education Agency (703) Items Not Included in Bill as Introduced		Items Not Included in HB 1 2022-23 Biennial Total		Pended Items 2022-23 Biennial Total		Adopted 2022-23 Biennial Total		Article XI 2022-23 Biennial Total	
		GR & GR-Dedicated	All Funds	GR & GR-Dedicated	All Funds	GR & GR-Dedicated	All Funds	GR & GR-Dedicated	All Funds
7.	TJJD request. Modify Rider 27, Juvenile Justice Alternative Education Programs, to provide a minimum daily reimbursement rate of \$86 per day for the JJAEP Program. Current rider included in HB1 provides a sum-certain transfer of \$11,875,000 for this program to TJJD. TJJD requests the rider provide estimated appropriation authority equal to the greater of \$86 per day or the current \$11.9 million provided by HB1. Request is estimated to cost an additional \$5.2 million for the 2022-23 biennium but would be determined by ADA.	\$ 5,200,000 (estimated)	\$ 5,200,000 (estimated)						
Subcommittee Revisions and Additions:									
1.	Communities in Schools. Restore 5 percent reduction to the Communities in Schools Program.					\$ 3,052,182	\$ 3,052,182		
Total, Outstanding Items / Tentative Decisions		\$ 33,620,949	\$ 387,555,329	\$ -	\$ -	\$ 2,776,182	\$356,710,562	\$ 25,711,500	\$ 25,711,500
		FY 2022	FY 2023	FY 2022	FY 2023	FY 2022	FY 2023	FY 2022	FY 2023
Total, Full-time Equivalents / Tentative Decisions		11.0	11.0	0.0	0.0	6.0	6.0	0.0	0.0

Article III, Public Education Texas School for the Blind and Visually Impaired (771) Items Not Included in Bill as Introduced		Outstanding Items for Consideration				Tentative Subcommittee Decisions			
		Items Not Included in HB 1 2022-23 Biennial Total		Pended Items 2022-23 Biennial Total		Adopted 2022-23 Biennial Total		Article XI 2022-23 Biennial Total	
		GR & GR-Dedicated	All Funds	GR & GR-Dedicated	All Funds	GR & GR-Dedicated	All Funds	GR & GR-Dedicated	All Funds
<u>Other Budget Recommendations</u>		Items Not Included in							
1.	Educational Professional Salary Increases. Remove estimated amounts to fund ongoing cost of 2020-21 biennial salary increases in 2022-23 biennium, but retain estimated appropriation authority for these costs. Actual amounts required will be settled up and disbursed by CPA.	\$ (929,524)	\$ (929,524)			\$ (929,524)	\$ (929,524)		
<u>Agency Requests:</u>									
1.	a. Base Funding. Agency requests \$500,000 per year and 6.0 FTEs for Summer School. Funding for these programs was removed as a part of the agency's 5 percent reduction for 2020-21, which totaled \$1,650,973. (\$1,146,596 in General Revenue is included in HB1 to restore 5 percent reduction to classroom instruction funding.)	\$ 1,000,000	\$ 1,000,000					\$ 1,000,000	\$ 1,000,000
	b. Base Funding. Agency requests \$175,000 in FY 22 for student transportation.	\$ 175,000	\$ 175,000						
2.	Across the Board Classified Salary Increase. According to the agency, the turnover rate is 19.9%.	\$ 1,441,200	\$ 1,441,200					\$ 1,441,200	\$ 1,441,200
3.	Campus Public Address System for daily announcements and emergency communications on campus.	\$ 935,000	\$ 935,000						
4.	Technology Replacement & Refresh. Request includes onetime funding for replacement of 425 computers in FY2022 and ongoing funding for replacement of 134 computers per year thereafter. Agency also requests ongoing funding for lease costs to replace obsolete printers and for replacement of two servers and 28 cell phones each fiscal year.	\$ 960,000	\$ 960,000						

Article III, Public Education Texas School for the Blind and Visually Impaired (771) Items Not Included in Bill as Introduced		Outstanding Items for Consideration				Tentative Subcommittee Decisions			
		Items Not Included in HB 1 2022-23 Biennial Total		Pended Items 2022-23 Biennial Total		Adopted 2022-23 Biennial Total		Article XI 2022-23 Biennial Total	
		GR & GR-Dedicated	All Funds	GR & GR-Dedicated	All Funds	GR & GR-Dedicated	All Funds	GR & GR-Dedicated	All Funds
5.	School Campus Safety and Security Upgrades. Request includes outdoor cameras and video equipment, replacement of perimeter fencing, enhanced pedestrian gate access, re-keying of entire campus, lockdown lighting system, additional parking lot and campus lighting, and an additional electronic vehicle security gate arm.	\$ 1,000,000	\$ 1,000,000						
6.	Website Re-design Project and Maintenance. Request includes onetime cost of \$850,000 in FY2022 for development of new website for improved accessibility and \$50,000 per year beginning in FY2023 for ongoing maintenance and security.	\$ 900,000	\$ 900,000						
7.	Exempt position. Request for authority only to increase Superintendent position from Group 4 (salary range of \$106,500 to \$171,688) to Group 5 (\$122,500 to \$197,415) and salary cap to \$159,993. Current Superintendent salary is \$142,159. No cost.	\$ -	\$ -						
8.	Add a new rider allowing the agency to pay compensation for on-call time in addition to compensation for actual hours worked during the on-call period. Rate of compensation would be 1.0 hour per on-call day during the work week and 2.0 hours for each on-call day during weekends and on holidays. No cost.	\$ -	-			Adopt			
Subcommittee Revisions and Additions:									
1.	None.								
Total, Outstanding Items / Tentative Decisions		\$ 5,481,676	\$ 5,481,676	\$ -	\$ -	\$ (929,524)	\$ (929,524)	\$ 2,441,200	\$ 2,441,200
		FY 2022	FY 2023	FY 2022	FY 2023	FY 2022	FY 2023	FY 2022	FY 2023
Total, Full-time Equivalents / Tentative Decisions		6.0	6.0	0.0	0.0	0.0	0.0	0.0	0.0

Article III, Public Education Texas School for the Deaf (772) Items Not Included in Bill as Introduced		Outstanding Items for Consideration				Tentative Subcommittee Decisions			
		Items Not Included in HB 1 2022-23 Biennial Total		Pended Items 2022-23 Biennial Total		Adopted 2022-23 Biennial Total		Article XI 2022-23 Biennial Total	
		GR & GR-Dedicated	All Funds	GR & GR-Dedicated	All Funds	GR & GR-Dedicated	All Funds	GR & GR-Dedicated	All Funds
Technical Adjustments:									
1.	Conforming rider. Add new rider, Contingency for Behavioral Health Funds, to reflect funding for one mental health counselor included in HB1 base funding. (Conforming changes to Article IX, Section 10.04(a) to be considered with Article IX.) No cost.	\$ -	\$ -			Adopt			
Other Budget Recommendations									
1.	Educational Professional Salary Increases. Remove estimated amounts to fund ongoing cost of 2020-21 biennial salary increases in 2022-23 biennium, but retain estimated appropriation authority for these costs. Actual amounts required will be settled up and disbursed by CPA.	\$ (788,888)	\$ (788,888)			\$ (788,888)	\$ (788,888)		
Agency Requests:									
1.	5 Percent GR Reduction Reinstatement. Agency requests reinstatement of the full 5 percent reduction from the 2020-21 biennium totaling \$1,931,713. Requested amount would fund Summer Programs. (\$1,244,825 in General Revenue included in HB1 to restore 5 percent reduction to classroom instruction funding.)	\$ 686,888	\$ 686,888					\$ 686,888	\$ 686,888
2.	Student Transportation Items. Agency requests two replacement school buses: \$125,000 for one 77 passenger bus in FY2022 and \$115,000 for one 53 passenger bus in FY2023.	\$ 240,000	\$ 240,000						
3.	Exempt position. Request for authority only to increase Superintendent position from Group 4 (salary range of \$106,500 to \$171,688) to Group 5 (\$122,500 to \$197,415) and salary cap to \$171,688. Current Superintendent salary is \$148,908. No cost.	\$ -	\$ -						
Subcommittee Revisions and Additions:									
1.	None.								

Article III, Public Education Texas School for the Deaf (772) Items Not Included in Bill as Introduced	Outstanding Items for Consideration				Tentative Subcommittee Decisions			
	Items Not Included in HB 1 2022-23 Biennial Total		Pended Items 2022-23 Biennial Total		Adopted 2022-23 Biennial Total		Article XI 2022-23 Biennial Total	
	GR & GR-Dedicated	All Funds	GR & GR-Dedicated	All Funds	GR & GR-Dedicated	All Funds	GR & GR-Dedicated	All Funds
Total, Outstanding Items / Tentative Decisions	\$ 138,000	\$ 138,000	\$ -	\$ -	\$ (788,888)	\$ (788,888)	\$ 686,888	\$ 686,888
	FY 2022	FY 2023	FY 2022	FY 2023	FY 2022	FY 2023	FY 2022	FY 2023
Total, Full-time Equivalents / Tentative Decisions	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Article III, Public Education Special Provisions for the School for the Blind and Visually Impaired and the School for the Deaf (S20) Items Not Included in Bill as Introduced	Outstanding Items for Consideration				Tentative Subcommittee Decisions			
	Items Not Included in HB 1 2022-23 Biennial Total		Pended Items 2022-23 Biennial Total		Adopted 2022-23 Biennial Total		Article XI 2022-23 Biennial Total	
	GR & GR- Dedicated	All Funds	GR & GR- Dedicated	All Funds	GR & GR- Dedicated	All Funds	GR & GR- Dedicated	All Funds
Agency Requests:								
1. None.								
Subcommittee Revisions and Additions:								
1. None.								
Total, Outstanding Items / Tentative Decisions	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	FY 2022	FY 2023	FY 2022	FY 2023	FY 2022	FY 2023	FY 2022	FY 2023
Total, Full-time Equivalents / Tentative Decisions	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Article III, Public Education Teacher Retirement System (Agency 323) Items Not Included in Bill as Introduced		Outstanding Items for Consideration				Tentative Subcommittee Decisions			
		Items Not Included in HB 1 2022-23 Biennial Total		Pended Items 2022-23 Biennial Total		Adopted 2022-23 Biennial Total		Article XI 2022-23 Biennial Total	
		GR & GR-Dedicated	All Funds	GR & GR-Dedicated	All Funds	GR & GR-Dedicated	All Funds	GR & GR-Dedicated	All Funds
Agency Requests:									
1.	Saving Investment Fees. The agency is requesting additional funding and 10.0 FTEs in Fiscal Year 2022 and 25.0 FTEs in Fiscal Year 2023 to continue their multi-year program to implement investment programs aimed at reducing external manager fees. This has also been referred to as their "Build the Fleet" initiative.	\$ -	\$ 5,746,000			\$ -	\$ 5,746,000		
2.	Amend Rider 10, Full-Time Equivalent Positions Intern Exemption, to include students enrolled in associates or trade schools and post-graduate fellows in the definition of interns for the purposes of excluding these positions from the agency's FTE limitation. No cost.	\$ -	\$ -			Adopt			
Subcommittee Revisions and Additions:									
1.	None.								
Total, Outstanding Items / Tentative Decisions		\$ -	\$ 5,746,000	\$ -	\$ -	\$ -	\$ 5,746,000	\$ -	\$ -
		FY 2022	FY 2023	FY 2022	FY 2023	FY 2022	FY 2023	FY 2022	FY 2023
Total, Full-time Equivalents / Tentative Decisions		10.0	25.0	0.0	0.0	10.0	25.0	0.0	0.0

Article III, Public Education Optional Retirement Program (32C) Items Not Included in Bill as Introduced	Outstanding Items for Consideration				Tentative Subcommittee Decisions			
	Items Not Included in HB 1 2022-23 Biennial Total		Pended Items 2022-23 Biennial Total		Adopted 2022-23 Biennial Total		Article XI 2022-23 Biennial Total	
	GR & GR-Dedicated	All Funds	GR & GR-Dedicated	All Funds	GR & GR-Dedicated	All Funds	GR & GR-Dedicated	All Funds
<u>Agency Requests:</u>								
1. None.								
<u>Subcommittee Revisions and Additions:</u>								
1. None.								
Total, Outstanding Items / Tentative Decisions	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	FY 2022	FY 2023	FY 2022	FY 2023	FY 2022	FY 2023	FY 2022	FY 2023
Total, Full-time Equivalents / Tentative Decisions	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

By: _____

Texas Education Agency, Article III
Proposed Rider Amendment
Foundation School Program Funding

Prepared by LBB Staff, 3/18/2021

Overview

Update Rider 3, Foundation School Program Funding, to include appropriation authority for the School Safety Allotment.

Required Action

On page III-6 of the Texas Education Agency bill pattern, amend the following rider:

3. **Foundation School Program Funding.** In addition to funds appropriated above, the Foundation School Program is funded with local school district tax revenue. Local school district tax rates are adopted by locally elected school board trustees. Local school property tax rates are not set by the Legislature.

Out of the funds appropriated above, and any other funds appropriated for the Foundation School Program during the 2022-23 biennium, a total of \$26,234,400,000 in fiscal year 2022 and \$26,753,100,000 in fiscal year 2023 shall represent the sum-certain appropriation to the Foundation School Program. The total appropriation may not exceed the sum-certain amount. This appropriation includes allocations under Chapters 46, 48 and 49 of the Texas Education Code.

Formula Funding: The Commissioner shall make allocations to local school districts under Chapters 46, 48 and 49 based on:

- (a) estimates of average daily attendance provided by the Texas Education Agency in March 2021;
- (b) local district tax rates as determined by the Legislative Budget Board;
- (c) final tax year 2020 property values; and
- (d) assumed increases in property values, and the estimates of local tax collections on which they are based, as estimated by the Comptroller of Public Accounts, of 0.29 percent for tax year 2021 and by 3.92 percent for tax year 2022.

The estimates identified in subsections (a) - (d) are projections provided by the Comptroller of Public Accounts and Texas Education Agency and used solely to determine initial state aid payments to school districts, and do not factor into the calculations of local tax base changes. Actual property value changes are determined by local appraisal districts.

To the extent that estimates provided for in subsections (a) - (d) above differ from a school district's actual average daily attendance, tax rates, property values, or local tax collections, the Commissioner shall settle-up with local school districts pursuant to Rider 7, Appropriation of Audit Adjustments, Settle-Up Funds and Attendance Credit Revenues and applicable provisions in Chapters 46, 48, and 49 of the Education Code.

For purposes of distributing the Foundation School Program basic tier state aid appropriated above and in accordance with §48.051 of the Texas Education Code, the Basic Allotment is established at \$6,160 in fiscal year 2022 and \$6,160 fiscal year 2023.

For purposes of distributing the Foundation School Program enrichment tier state aid appropriated above and in accordance with §48.202(a-1)(1), the Guaranteed Yield is \$98.56 in fiscal year 2022 and \$98.56 in fiscal year 2023, and in accordance with §48.202(a-1)(2), the Guaranteed Yield is \$49.28 in fiscal year 2022 and \$49.28 in fiscal year 2023.

Included in amounts appropriated above and allocated by this rider to the Foundation School Program, \$100,000,000 in each fiscal year of the biennium out of the Foundation School Fund No. 193 is for the New Instructional Facilities Allotment under §48.152 of the Texas Education Code.

Included in amounts appropriated above and allocated by this rider to the Foundation School Program, and pursuant to Education Code Sec. 42.168, the School Safety Allotment is set at \$9.72 per student in average daily attendance, estimated to be \$50,000,000 in each fiscal year.

From the amount appropriated above to the Texas Education Agency for Strategy A.1.1, FSP - Equalized Operations, in each year of the 2022-23 biennium, the Commissioner may not spend more than the amount that, together with all other amounts appropriated from the Foundation School Fund or another source of the Foundation School Program or for paying the costs of school property tax relief, is necessary to achieve a tax rate compression percentage, as defined by Sections 48.255, 48.2551, and 48.2552, Texas Education Code, and fully fund the school funding formulas under Chapters 48 and 49, Texas Education Code, without the prior approval of the Legislative Budget Board.

Notwithstanding any other provision of this Act, the Texas Education Agency may:

- (a) make transfers as appropriate between Strategy A.1.1, FSP - Equalized Operations, and Strategy A.1.2, FSP - Equalized Facilities; and
- (b) transfer Foundation School Program funds from fiscal year 2023 to 2022 to the extent necessary to avoid reductions in state aid as authorized by Texas Education Code §48.266(f).

The TEA shall notify the Legislative Budget Board and the Governor of any such transfers at least 15 days prior to the transfer.

The Texas Education Agency shall submit reports on the prior month's expenditures on programs described by this rider no later than the 20th day of each month to the Legislative Budget Board and the Governor's Office in a format determined by the Legislative Budget Board in cooperation with the agency.

Contingent on the Commissioner of Education identifying a budget surplus of Foundation School Program funds appropriated above in either fiscal year of the 2022-23 biennium, the Commissioner shall notify the Legislative Budget Board and the Office of the Governor in writing no later than 30 calendar days before taking any action pursuant to the Education Code §§7.062, 48.258, 48.259, 48.260, 48.261, or 48.265.

Appropriations provided above in Strategy A.1.1, FSP-Equalized Operations, fully fund an estimated \$3,130,000,000 in projected student enrollment growth.

By: _____

Texas Education Agency, Article III
Proposed Funding and Rider
FSP Funding for TJJD

Prepared by LBB Staff, 2/10/2021

Overview

Update Rider 28, FSP Funding for the Texas Juvenile Justice Department, to remove reference to a prorated basic allotment.

Required Action

On page III-14 of the Texas Education Agency bill pattern, amend the following rider:

28. **FSP Funding for the Texas Juvenile Justice Department.** Out of the funds appropriated above in Strategy B.2.2, Health and Safety, the Texas Education Agency shall allocate to the Texas Juvenile Justice Department a ~~prorated~~ basic allotment of the Foundation School Program minus the amounts allocated to the department pursuant to Texas Education Code §30.102 (a) for each student in average daily attendance. These amounts are estimated to be \$4,392,040 in fiscal year 2022 and \$4,001,840 in fiscal year 2023. This transfer shall not be subject to the limitation in Rider 25, Limitation on the Transfer and Use of Funds.

By: _____

Texas Education Agency, Article III
Proposed Funding and Rider
Child Nutrition Program

Prepared by LBB Staff, 2/20/2021

Overview

Update Rider 36, Child Nutrition Program, to adjust General Revenue state match amount to match strategy appropriations in HB 1.

Required Action

On page III-16 of the Texas Education Agency bill pattern, amend the following rider:

36. **Child Nutrition Program.** It is the intent of the Legislature that the Child Nutrition Program payments to independent school districts be budgeted at the Texas Education Agency. Included in the amounts appropriated above to the Texas Education Agency for the 2022-23 biennium is \$4,312,607,702 out of Federal Funds and ~~\$27,477,476~~27,247,874 out of the General Revenue Fund to provide reimbursements for the National School Lunch, School Breakfast, After School Care, and Seamless Summer Option Programs.

Under the authority of the letter of agreement between the U.S. Department of Agriculture and the Texas Department of Agriculture, the Texas Department of Agriculture shall administer the Child Nutrition Program. Included in the amounts appropriated elsewhere in this Act to the Texas Department of Agriculture for the 2022-23 biennium is \$67,508,116 out of Federal Funds and \$398,248 out of the General Revenue Fund in Strategy C.1.1, Support Federally Funded Nutrition Programs in Schools and Communities, to administer the Child Nutrition Program.

Any unexpended balances as of August 31, 2022, are hereby appropriated to fiscal year 2023 for the same purpose.

By: _____

**School for the Blind and Visually Impaired, Article III,
Proposed Rider
Standby Pay for On-Call Employees**

Prepared by LBB Staff, 3/22/2021

Overview

Expressly permitting standby pay for on call employees of the School for the Blind and Visually Impaired.

Required Action

On page III-32 of the School for the Deaf bill pattern, add the following rider:

_____. **Standby Pay.** It is expressly provided that the Texas School for the Blind and Visually Impaired, to the extent permitted by law, may pay compensation for on-call time at the following rates: credit for one hour worked for each day on-call during the normal work week, and two hours worked for each day on-call during weekends and on holidays. This credit shall be in addition to actual hours worked during normal duty hours and actual hours worked during on-call status. For employees’ subject to the Fair Labor Standards Act (FLSA), an hour of on-call service shall be considered to be an hour worked during the week for purposes of the FLSA only to the extent required by federal law.

By: _____

**School for the Deaf, Article III,
Proposed Rider
Contingency for Behavioral Health Funds**

Prepared by LBB Staff, 2/9/2021

Overview

Contingency for Behavioral Health Funds for Texas School for the Deaf.

Required Action

On page III-36 of the School for the Deaf bill pattern, add the following rider:

_____. **Contingency for Behavioral Health Funds.** Notwithstanding appropriation authority granted above, the Comptroller of Public Accounts shall not allow the expenditure of General Revenue-Related Funds at the Texas School for the Deaf in Strategy A.1.3, Related and Support Services, in fiscal year 2022 or 2023, as identified in Art. IX §10.04, Statewide Behavioral Health Strategic Plan and Coordinated Expenditures, if the Legislative Budget Board provides notification to the Comptroller of Public Accounts that the agency's planned expenditure of those funds in fiscal year 2022 or fiscal year 2023 does not satisfy the requirements of Art. IX §10.04, Statewide Behavioral Health Strategic Plan and Coordinated Expenditures.

By: _____

Teacher Retirement System, Article III
Rider Amendment
Rider amending the definition of intern in the Teacher Retirement System of Texas bill
pattern

Prepared by LBB Staff, 3/11/2021

Overview

The purpose of this rider is to amend the definition of interns in the Teacher Retirement System of Texas bill pattern.

Required Action

On page III-41 of the Teacher Retirement System’s bill pattern, amend the following rider:

- _____.
- 10. Full-Time Equivalent Positions Intern Exemption.** The number of Full-Time Equivalent (FTE) positions associated with the Teacher Retirement System’s (TRS) Internship Program held by undergraduate students, ~~trade school students, community college students, law school students, graduate school students, or post-graduate fellowship recipients and graduate students~~ graduate school students, or post-graduate fellowship recipients in the Intern Program of the Teacher Retirement System (TRS) shall be exempt from Article IX, Sec. 6.10. Limitation on State Employment Levels. This provision will not change the cap on the Number of Full-Time Equivalents (FTE) for TRS listed elsewhere in this Act. TRS shall provide to the Legislative Budget Board, the Governor, the Comptroller of Public Accounts, and the State Auditor’s Office a report of the number of FTEs associated with the Intern Program each fiscal year.